

FILED

November 24 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Attorneys for Appellants

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STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DEREK STEBNER and STEBNER
REAL ESTATE, INC., a Washington
Corporation,,

Plaintiff/Appellants,

-vs-

ASSOCIATED MATERIALS, INC.
(AMI) d/b/a ALSIDE,

Defendant/Appellee.

Case No. DA 09-0632

NOTICE OF APPEAL

NOTICE is given that Derek Stebner and Stebner Real Estate, Inc., a Washington Corporaton, the Appellants above-named and who are the Plaintiffs in that cause of action filed in the Fourth Judicial District, in and for the County of Missoula, as Cause No. DV-05-571, hereby appeal to the Supreme Court of the

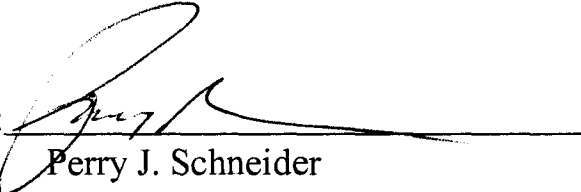
State of Montana from the final judgment or orders entered in such action on October 27, 2009.

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That this case does not involve a challenge to the constitutionality of any act of the Montana Legislature, and therefore, no notice is required to be given to the Montana Supreme Court and the Montana Attorney General.
4. That all available transcripts of the proceedings in this cause have not been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellants have complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

DATED this 23 day of November, 2009.

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By: 
Perry J. Schneider

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of November, 2009, I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

☒ U.S. Mail
☐ Fed Ex
☐ Hand-Delivery
☐ Facsimile
☐ Email

Clerk of District Court
Missoula County
200 W. Broadway
Missoula, MT 59802-4292

☒ U.S. Mail
☐ Fed Ex
☐ Hand-Delivery
☐ Facsimile
☐ Email

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Attorneys for Defendant Alside



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